

**MISSOURI COURT OF APPEALS  
WESTERN DISTRICT**

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COMPLETE TITLE OF CASE:

STATE OF MISSOURI

Appellant

v.

MARK WOODWORTH

Respondent

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DOCKET NUMBER WD76293

DATE: November 12, 2013

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Appeal From:

Circuit Court of Platte County, MO  
The Honorable Owens Lee Hull, Jr., Judge

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Appellate Judges:

Division Two  
Thomas H. Newton, P.J., Alok Ahuja, and Gary D. Witt, JJ.

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Attorneys:

Theodore Bruce, Jefferson City, MO

Counsel for Appellant

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Attorneys:

Robert Ramsey, Glen Carbon, IL  
Michele Puckett-Burkhead, Cameron, MO

Counsel for Respondent  
Co-Counsel for Respondent

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**MISSOURI APPELLATE COURT OPINION SUMMARY  
MISSOURI COURT OF APPEALS, WESTERN DISTRICT**

STATE OF MISSOURI, Appellant, v.  
MARK WOODWORTH, Respondent

**WD76293**

**Platte County**

Before Division Two Judges: Newton, P.J., Ahuja, and Witt, JJ.

Woodworth was convicted of several crimes. On direct appeal, his convictions were reversed. He was retried and again convicted of the same crimes. Woodworth sought reversal of his convictions in the trial court and in the appellate court, and all his motions and appeals were denied. Woodworth sought habeas relief on constitutional grounds in the Missouri Supreme Court; the supreme court issued a writ of habeas corpus and appointed a special master to hear evidence on the petition. The special master determined that the alleged constitutional violations regarding exculpatory evidence were substantiated and recommended to the supreme court to set the convictions and sentences aside. The supreme court followed the recommendation, and reversed the convictions and sentences and remanded the case for a new trial. On retrial, Woodworth requested in a pretrial motion that the court exclude certain evidence that were the subjects of the constitutional violations. The trial court issued an order partially granting the requests based on improper handling of the evidence. The State appeals the order. Woodworth has filed a motion to dismiss the interlocutory appeal.

**DISMISSED.**

**Division Two Holds:**

Woodworth argues that the State lacked statutory authority to file an interlocutory appeal from the order granting a motion in limine. In Missouri, an appeal must be authorized by statute. Section 547.200 grants the State the right to appeal a trial court's order or judgment that produces certain prejudicial results, one of which includes the substantive effect of suppressing evidence. The State argues that its appeal is authorized because the court's ruling had a substantive effect of suppressing the evidence. We disagree.

Our courts have defined suppression, as used in section 547.200, to mean the exclusion of evidence that has been illegally obtained. Here, the trial court excluded the evidence because of improper handling of the evidence *after* it had been obtained. Thus, the ruling did not have the substantive effect of suppressing evidence. Rather, the ruling is tantamount to a ruling in limine, which is not the proper subject of appeal. We, therefore, grant Woodworth's motion and dismiss the appeal.

Opinion by Thomas H. Newton, Presiding Judge

November 12, 2013

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| <b>THIS SUMMARY IS UNOFFICIAL AND SHOULD NOT BE QUOTED OR CITED.</b> |
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